

ELC 11.3
SUA SPONTE REVIEW

(a) Sua Sponte Review of Recommendations for Disbarment and Suspension. If neither the Respondent nor Disciplinary Counsel files a timely notice of appeal from a Decision recommending suspension or disbarment, the Decision shall be distributed to the Board members for consideration of whether to order sua sponte review and the matter shall be scheduled for consideration by the Board. The Decision shall be distributed to the Board within 30 days after the last day to file a notice of appeal. An order for sua sponte review shall set forth the issues to be reviewed. If the Board declines to order sua sponte review, the Board shall issue an order declining sua sponte review and adopting the Decision of the hearing officer.

(b) Sua Sponte Review of Other Recommendations. The Chair may file a notice of referral for sua sponte consideration of a Decision other than one recommending disbarment or suspension under rule 11.2(b)(2). The notice shall be filed within 30 days after the last day to file a notice of this appeal. Upon this filing, the Chair causes a copy to be served on the parties and schedules the matter for consideration by the Board. On consideration, the Board either issues an order for sua sponte review setting forth the issues to be reviewed or an order declining sua sponte review.

(c) Procedure. If the Board issues an order for sua sponte review, the Board's order must designate the appellant for purposes of rules 11.6 and 11.9, but either party may raise any issue for Board review. Board review is conducted as described in rule 11.12.

(d) Standards for Ordering Sua Sponte. The Board should order sua sponte review only in extraordinary circumstances to prevent substantial injustice or to correct a clear error.

[Adopted effective October 1, 2002; Amended effective January 1, 2014.]